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12 July 72

Bordin: Every juror has an opinion on the war,
and every juror will have some sympathy
for someone ~~for~~ with whom they can
identify — whether they admit it or not.
A candid witness is one we want.

Brynes:

Mrs. Kaldstein: Are you sure you could set aside
your sympathies...

I've been thinking about that question because
you've asked it several times...

of ^{verdict} ~~that~~ ~~were~~ ~~held~~ ~~right~~ ~~now~~, right now, I
would find them innocent. [!]

M.B: If you were the government counsel, asking a
fair and impartial jury, would you want 12 jurors
like yourself on the jury?" Ben objects.

"... No... I would think it was too heavily
against the government."

The title of this "study" is

"History of U.S. Decision-making
in Vietnam, 1945-68."

Hittala — Only remembers headlines

— about "stolen Government papers."
and about individuals — that they
took papers.

Are you confident that you can set aside
completely — not forget about your opinion

[I will have jurors on the trial who start
with this opinion

On Hietala —

If I were prosecutor, I would not be anxious to see him on case — he is too candid about his opinion, resistant to expression of certainty...

I would rather have him than a ~~poor~~ juror of equivocal opinion — of whom there will be some — who had hidden this opinion, or, under judge's questioning, suppressed it from their consciousness.

final branch of McDonnell-Douglas
Troy: Husband is civil engineer, MA in Bus. Ad.

Has clearance since 1958 — "he could
read secret material."

CN against her.

2 yrs. secretarial, 2 yrs. college. " —

Morgan: 1 yr. HS — Elko, Nevada.

Husband died a month ago — short mental.

Read — portions of study had been taken
over to the newspapers — some were supposed
to be T.S. San Diego ^{Herb} Tribune. [?] [her that]

Followed it quite closely while it was in the
papers. "I do ~~the~~ read the news but I don't
take that as... fact." (laughter — respectful —

but judge admires and tries, out of respect for jurors.

Saw DE on Court show — can't recall anything. No strong opinion
about our involvement in VN.

[Check coverage of PP in juror's local paper.

Past and continuing during trial.

Do we have complete list of what they read?

What channels TV?

Norgan: probably discussed at the time — daughter,
husband. No recall. [?]

Wetly: "Only that the material had been classified
by the government — and had been published in
the papers.

My son has expressed an opinion to
me — along with, I'm sorry to say, a lot of
things that go in one ear and out the other...

As I recall, knowing my son, he probably
expressed the opinion he was in favor of my
passing them out...

"I have an opinion, I don't know how strong or firm it is...
He shouldn't be involved in VN."

W W W W W W W

Budy: LA City College, math, psychology, Italian
Can't recall reading about, driving, TV...

to i i i
i i i
was

[!]

... Some gentlemen from the Rand Corp. had
given some papers -- that he ought not to have done...
or that they said

On VN: I don't understand it that much, to
have a definite opinion.

Walls: George Putnam, on ABC News.

(Occasionally reads CAT

... selling these papers to the press....

No sir, yes sir...

"I'm for the war - I mean, I'm for winning the war
with a victory."

[What do

"Would

What does the press/TV think now about
the job they've done on presenting, explaining,
PP? On this trial?

What polls, studies have been done — on

Greenwald

3 1/2 yrs HS (!) River from College.

Only read headlines and sub-headlines
on case — assume it was a year to 1 1/2.

Not very interested in it.

Daily Breeze. In South Bay? That is correct.

Only that

that it was a security thing... a breach
("breach") of security... possibly.

National Geographic, Auto Club mag.

Daily Breeze.

Heard it was put into a book, called the PP.
... from people who bought the book + read it...

(Kater): I've seen the book... every time I went into a
bookstore...

Party had taken this info and made a book
about it. Doesn't know what party (!)

... security papers

A. Once saw Mr... Eisenhower?

Water Ch. 7 to 4:30

a fine opinion ...:

Thank ~~him~~ is a split opinion... (we were right
to be there, and now

The course we're on right now is right —
getting out without a defeat, or with a victory, in a way.

We should save face in getting out of the
damn thing

Class. materials — "They're entrusted to you —
you only have the right to have them while
you have a need to know —

Wannenberg: HS in Holland.

I have seen on TV news ... Dr... the picture on the news.

Not seen, heard or read anything about contents of PP.

... the Doctor was indicted

Ch. 4

No opinion on VN.

(gambler leaps into floor in front of judge).

Shephard: Read? "If the Court can stand it, I can stand it."

Saw a headline in Time...

~~Dr...~~ Most of my life I just shift over the head of things ... I wasn't interested in the PP.

Was the case got something to do with whether or not I believe in the war?

VN: No strong opinion - I just think it's sort of a shame we're over there ... I don't say we shouldn't be there - I wouldn't know whether it's right or wrong.

Contents: 1 yr. UCLA 1 yr. business, at Sawyer.

Life, Reader's Digest.

VN "I wish it were over." ... I just wish that the boys would come home, and that the war was over."

[I take 2 Excedrin: CN- "Not suicide pills, I hope. DE:

Excedrin headache #115."

Ly 12:

What is the meaning of a presumption of innocence? + +

juror should act as if they had a presumption of innocence — if they really do, fine. Even if they don't, they should act as if they did —

not by "absolutely setting aside" or "forgetting"* this prior opinion, or information from outside the courtroom, but by demanding a heavy weight of evidence from the prosecution, in order to judge defendant guilty.

i.e. in judging the adequacy or weight of the pros. case, juror should acquit unless he concludes — that the Gov. has presented a body of evidence for "guilty" sufficient to have convinced him "beyond a reasonable doubt" even if he had started with a prior belief

(> 50%) in innocence. (It is much more difficult — though far from impossible — for juror to do this if he starts with an opinion in favor of guilt.)

* This is impossible; juror can say firmly he will or can do this only if (1) he is a hypocrite; or (2) he is "totally" "intolerant of ambiguity."

Buckmeizer:

PP said that things were not done right,
handled properly, and they weren't happy with it.

MB - by whom? B: Our highest
political bosses.

Read LAT version; see Jim, Kenneth, US News.

McNamera: Husband's opinion: That if indeed it
were true that this material had been
removed, and if it were a violation of
secrecy, that it was a very serious
matter.

Replew, 23, teaches at No. Carolina Univ:
sympathetic toward defendants...

Here were two points of view - what truth
was, was very hard to know.

Might have expressed opinion to my
replew was an accusation, you don't know
whether a person's guilty or innocent till you
know the facts...

On VN: Well, I guess everyone has an opinion - it's
so confused, I guess I don't have an opinion...

I don't have enough info ... it'd be presumptuous to have an opinion...

There was a time I wondered why they didn't go in and fight the war and finish it up... then I thought if they aren't going to fight it, why don't they get out... then I thought...

I asked my son how he would feel if he were called: He could not believe the people who knew would frivolously commit the youth of the country without a good reason

Right now, I have less opinion than ever...

[Like today...]

I think this is a case of the law being clear, ^{[?!} then you just obey the law ... regardless of opinions ...

I just know that if something's classified, it isn't to put those people ...

Senior project engineer at Hughes Aircraft:
computers for missiles, aircraft.

I am cleared Secret; I've been cleared since
1954.

(Charles:

I am not a basically moderate person in all subjects,
I do have strong opinions in some areas - but the
PP is not one of them.

Felt PP were treated sensationally in
papers....

On VN: It's a stupid war. All wars are stupid,
but this one is unusually stupid.

It's an undeclared war...

20B/yr out of 70-80B on defense on VN;
we could use that money better... [on defense?]

I'm a member of an Estate that has done very well
by me